

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MIXING & MASS TRANSFER)	
TECHNOLOGIES, LLC,)	Civil Action No.
Plaintiff,)	1:19-cv-00529-MN
)	
v.)	
)	
SPX CORPORATION, et al.,)	
Defendants.)	
)	

**PLAINTIFF’S NOTICE OF SUBSEQUENT AUTHORITY IN
OPPOSITION TO DEFENDANTS’ MOTION FOR ATTORNEYS’ FEES**

Pursuant to D. Del. LR 7.1.2(b), plaintiff Mixing & Mass Transfer Technologies, LLC (“Plaintiff”) respectfully submits for the Court’s consideration in connection with Defendants’ pending motion for attorneys’ fees (D.I. 32) the subsequent authority attached as Exhibit A, *O.F. Mossberg & Sons, Inc. v. Timney Triggers, LLC*, No. 2019-1134, --- F.3d ----, 2020 WL 1845302 (Fed. Cir. April 13, 2020), a precedential decision by the United States Court of Appeals for the Federal Circuit issued on April 13, 2020, after briefing on Defendants’ pending motion for attorneys’ fees was concluded. The Federal Circuit’s decision in *O.F. Mossberg & Sons* is binding legal authority directly on point that refutes the arguments in Defendants’ Opening Brief (D.I. 33 & D.I. 34 at 4, 7-8) and Reply Brief (D.I. 36 at 2-7), and supports the arguments in Plaintiff’s Answering Brief (D.I. 35 & D.I. 37 at 7-9), Plaintiff’s Motion for Leave to File Sur-Reply Brief (D.I. 39 at 1), and (if permitted) Plaintiff’s proposed Sur-Reply Brief (D.I. 39-1 at 1-8).

Respectfully submitted,

Dated: April 23, 2020

s/ Stacey A. Scrivani

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CERTIFICATE OF SERVICE

I, Stacey A. Scrivani, Esquire, certify that on this date, I served a true and correct copy of Plaintiff's Notice of Subsequent Authority in Opposition to Defendants' Motion for Attorneys' Fees on Defendants through their below counsel through the Court's ECF system and by electronic mail.

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